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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,028	05/29/2002	Kevin T Whitley	36968 176363	3814

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,028

Applicant(s)

WHITLEY ET AL.

Examiner

Timothy Edwards

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings filed on 29 May 2002 are acceptable and approved by Draftsperson's.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-24,26-31,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al [US 6,150,955].

Considering claim 20, Tracy disclose an apparatus and method for transmitting data via a digital control channel of a digital wireless network using GSM technology, this data is associated with utility meters, comprising a) periodic formulating short message reporting data (see col 2, lines 39-47); b) transmitting the message over GSM network via a Short Messaging Center coupled to a Mobile Switching Center (see col 12, lines 45-56); c) receiving the message at a terminal (see col 12, line 56 to col 13, line 5); d) a gateway comprising a processor and a transceiver (see col 2, lines 27-43), except a SIM card for transmitting short messages is not specifically recited by Tracy. The SIM card is used in the transmission and receiving of SMS messages. Therefore, it would

have been obvious to one of ordinary skill in the art the SIM card is within the scope of the Tracy system because Tracy teaches the sending of short messages from a data collection device.

Considering claim 21, Tracy discloses the limitation of this claim in col 3, lines 9-28.

Considering claim 22, Tracy discloses the limitation of this claim in col 3, lines 36-45 and col 4, line 64 to col 5, line 6.

Considering claim 23, the limitation of this claim is interpreted and rejected as stated in claim 22.

Considering claim 24, Tracy discloses the limitation of this claim in col 2, lines 51-57 and col 6, lines 14-22.

Considering claim 26-31, Tracy discloses the limitation of these claims in col 2, lines 39-47, col 4, line 54 to col 5, line 11 and col 7, lines 34-41.

Considering claim 48, Tracy does not specifically recite a user formulating a message from a mobile station. Applicant admits on page 8, lines 1-10, of his specification, the use of a Nokia 9000 GSM communicator is well known in the art. As such, one of ordinary skill in the art would readily recognize a device having GSM communication

could be used in the Tracy system because Tracy expresses the desire to communicate and receive data using GSM protocol. Tracy disclose in col 13, line 64 to col 14, line 11 the modification of his system is within his system. Therefore, it would have been obvious to one of ordinary skill in the art to use a mobile device capable of transmitting GSM protocol in the Tracy system because Tracy expressed the desire to transmit/receive data using the GSM protocol.

Claims 25,32,43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al as applied to claim 20 above, and further in view of Jenney et al [US 5,897,607] and Serbetciouglu et al [US 5,719,918].

Considering claim 25, Tracy does not specifically recite coupling the central processor to an Internet protocol network to allow users to view information concerning activities at a selected facility. Tracy discloses the transmission of utility data to an interested party and the use of any other wireless system to transmit information to a remote receiving location (see col 2, lines 39-57) via SMSC short message station. Serbetciouglu teaches the transmission of utility data via a SMSC short messages station, which can be connected, to TCP/IP protocol (see col 5, line 56 to col 6, line 6). Jenney teaches coupling the central processor unit of a utility database to the Internet to allow the display of utility data to the customer (see col 7, line 51-65). Therefore, it would have been obvious to one of ordinary skill in the art to couple the central processor of the Tracy system to an internet protocol network to allow users to view information

concerning activities at a selected facility as taught by Jenney because all references are concern with the transmission of utility data.

Considering claim 32, the limitation of this claim is interpreted and rejected as stated in claim 25.

Considering claims 43-47, the limitation of this claim is interpreted and rejected as stated in claim 25

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36,38-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Tracy et al '089.

Considering claim 33, Tracy disclose a) multiple gateways (see col 4, line 64 to col 5, line 14); b) a base station controller (see col 5, lines 44-54); c) a terminal for receiving the formatted message (see col 6, lines 40-43 and fig 1, item 140).

Considering claim 34, Tracy discloses the limitation of this claim in col 13, lines 3-6 and 34-40.

Considering claim 35, the limitation of this claim is interpreted and rejected as stated in claim 34.

Considering claim 36, Tracy discloses the limitation of this claim in col 3, lines 9-28.

Considering claim 38, Tracy discloses the limitation of this claim in col 12, line 45 to col 13, line 11.

Considering claim 39, Tracy discloses the limitation of this claim in fig 8, item 58.

Considering claim 40, Tracy discloses the limitation of this claim in col 12, lines 45-61.

Considering claims 41,42, Tracy discloses the limitations of these claims in col 12, lines 48-56.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al as applied to claim 33 above, and further in view of Jenney et al.

Considering claim 37, Tracy does not specifically recite a user may formulate and send a message directly to a gateway. Jenney teaches the direct interaction of a user with gateway (i.e. a data collection device, see col 7, lines 4-7).

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is
2. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

Art Unit: 2635

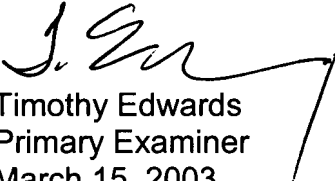
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).



Timothy Edwards
Primary Examiner
March 15, 2003